

make what I consider real progress on the Executive Calendar. There is still work to be done, but I think this represents a very important compromise in the effort to try to find the bipartisan balance in these nominations that is key to success, regardless of the session or regardless of the Congress itself.

There are still many Democrats whose nominations are languishing either in the White House or in committee. It is troubling that we have had the difficulty, in many cases, that has precluded greater progress on those and other nominations over the course of the last several months. I hope, as we begin the second session of the Congress, we can expedite many of these nominees. I certainly will redouble our efforts to work with the White House and to accommodate whatever concerns they may have with regard to some nominations, and certainly with regard to their own list of nominees who ought to be considered in an expeditious way. So we will continue to work.

I hope the White House in particular recognizes the importance of reciprocity and the fact that the nominations must be a two-way street. Democratic and Republican nominations deserve expeditious consideration, and it would be a real opportunity to set that tone and to send that message as we consider the Executive Calendar again early next year.

I yield the floor.

Mr. FRIST. Mr. President, I wish to comment very briefly on the nominations. We have made real progress as we were able to clear the degree of nominations that we did. There are several district judges I would like to have cleared, but the understanding is that when we come back we will be able to address those very early on. That is the understanding we reached this afternoon. These judges are very important for us to address. We will be addressing those as soon as we come back.

ACCOMPLISHMENTS IN THE FIRST SESSION OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, I want to talk a little bit about the 108th Congress because we are about to draw to a close once we complete some of the final paperwork. I think it is a good time for me to review just a bit of what we have been able to accomplish and what has been really a truly exceptional legislative session. People have worked very hard; they have stayed very focused, and I believe anyone looking back will have to say that over the last 11 months we really have been able to serve the American people well and, in many ways, capped by the historic enactment of the Medicare prescription drug bill just yesterday.

For the first time in the 40-year history of the Medicare Program, with which I am very familiar because of my profession before coming to the Senate,

Medicare will offer prescription drug coverage, which is the most powerful tool in American medicine today. That will be offered to America's 40 million seniors and individuals with disabilities through the Medicare Program. It is a monumental achievement that I can stand before this body today and say we have accomplished with the signing of that Medicare bill yesterday.

America's seniors will also have, for the first time, the option under Medicare of choosing a health care plan, or the type of coverage that can best suit their individual needs. Everybody's individual needs are very different. We have moved Medicare in the direction that allows this sort of flexibility, the individual attention, the responsiveness to individual needs. The seniors and the individuals on disability will now have that choice. These are reforms. This is a modernization, a strengthening and improving of Medicare, but they are indeed reforms.

That is why I say this is a monumental piece of legislation. It is the most significant reform since the beginning of that program in 1965. Although there was a lot of what I guess you could call partisanship expressed in the development of the bill, it was healthy debate on both sides; and ultimately the bill was generated by the hard work and dedication of both sides of the aisle.

I thank my fellow Senators, my colleagues, for their leadership and praise them for stepping forward and addressing an issue that so directly impacts the 40 million seniors and the almost 80 million baby boomers who will be coming through over the next 30 years.

It is that responsiveness, with action and with solutions, that indeed makes me proud as a Senator, and especially as majority leader of the Senate. It is an honor to be able to go back to the American people and say we delivered. It is not perfect. Everybody knows it is not perfect. But we delivered on what affects your lives in terms of your needs and in a way that is reflective of the tremendous talent in this body.

Back in January, we set an ambitious agenda. We said we needed to get the economy back on track; we needed to lend the critical support of this body to the war on terror; we needed to promote public health here as well as abroad. Most colleagues have heard me say that our mission under the current leadership is to move America forward and in a way that serves the cause of freedom and the cause of liberty. You can write it on a little card and carry it in your pocket. It is simple and easy to understand. That is what we collectively in this body set out to do—to expand freedom, to expand opportunity, to strengthen Americans' security.

Eleven months later, in looking back, we have done just that. We have made great strides on those goals, but it is sort of a halfway point. We set goals and we are moving toward them aggressively. We did so by respecting the longstanding Senate values of ci-

vility and trust—again, with healthy debate but civility and trust.

By building strong and reliable and dependable relationships, each of us is going to be able to go home and visit with our constituents and with the families, the people who elected us, and be proud of the accomplishments we have achieved over the last 11 months.

The year started out with us having to pass 12 of the 13 spending bills left undone by the previous Congress. We passed 11 of those bills in just the first 3 weeks. We also passed a budget to establish a blueprint of creating jobs, of investing in homeland security, of investing in education, of providing a Medicare prescription drug benefit and coverage, offering health insurance as well for America's children.

With that unfinished business of the last Congress complete, we turned our attention to the President's jobs and growth agenda. Indeed, working with the President and under the President's leadership and his vision, we passed \$350 billion in tax relief this year which is the third largest tax relief package. The third largest tax cut in the history of this country this Congress passed. Everybody—all of my colleagues, people listening now, people who will read the CONGRESSIONAL RECORD in the next several days—everybody who is paying taxes pays less taxes today than they did 11 months ago.

It was across the board. Yes, it was capital gains; it was affecting the marginal rates as well across the board. Mr. President, 136 million hard-working taxpaying Americans had their taxes cut. It did focus on families as well. We increased the child tax credit from \$600 per child to \$1,000 per child. We accomplished that this year.

A lot of people don't realize those rebate checks were sent out immediately and, as a result, this summer 25 million families received checks from the U.S. Treasury of up to \$400 per child, going from \$600 to \$1,000, and an additional check of \$400. In total, we returned 13.7 billion tax dollars to families all across the country. That was just the start.

Under that Jobs and Growth Act of 2003, a family of 4 making \$40,000 will see their taxes reduced by \$1,130 this year. Of the overall \$350 billion in tax cuts in fiscal relief, the bulk of it was moved forward, and nearly \$200 billion, fully 60 percent, is provided this year and next.

There have been critics of the tax cut. Some say \$1,300 is not a lot of money you are returning; \$1,300 is just not a lot; that is not going to make a big difference in somebody's life; and it wouldn't make a big difference if the bureaucrats took it away again. Tell that to the families working hard every day to raise children in this day and time, those families who are working hard to pay those household expenses. They are working hard just to have a little bit of money to take their family on vacation.

I can almost guarantee that the U.S. Treasury didn't get a flurry of checks

in the mail from families who said: No, I don't need that check you just sent me; no, America's families can use it. And they did use it.

Small business owners, as well, got a major boost from the tax package. Mr. President, 23 million small business owners who pay taxes at the individual rates saw their taxes lowered. We quadrupled the expense deduction for small business investment. It had a huge impact. We receive e-mails and letters every week about the impact this single issue, this expense deduction has for small business investment.

I think we all know small business owners are the engine of growth; they are the heart of the American marketplace. Workers and consumers depend on that small business sector to generate jobs, products, and services. Small business innovators create as much as 60 percent to as high as 80 percent of new jobs nationwide, and they generate more than 50 percent of the gross domestic product of this country. By cutting taxes and by encouraging investment, we are helping unleash a tremendous economic power in this country: the economic power of individuals working together in their small businesses.

Taken together, this year's tax cut and the tax cuts of 2001 are providing an astonishing \$1.7 trillion in tax relief over the next decade. We are beginning to see the results. We have already seen those results. We are right now in the midst of a strong economic recovery. Again, compared to 11 years ago, the jobs and growth package, the unleashing of the potential of small business and midsize and large business, of unleashing that individual hard work and spirit, we have an economic recovery.

Consumers today have more money in their pockets. Consumers' sentiment rose in November to the highest level since May 2002, and businesses, as well, are optimistic about the direction of the country, and with good cause.

Economic growth—again, I am comparing it to 11 months ago—economic growth in the third quarter soared—and that is the best word, “soared”—at an incredible rate of 8.2 percent. That is the largest third quarter increase since 1984, in just about 20 years.

There is more money in one's pockets; disposable income is up 7.2 percent for the third quarter, and consumer spending is up a whopping 6.6 percent, the biggest third quarter growth since 1988. This November, sales of previously owned homes hit their third highest level on record. The National Association of Realtors reports that previously owned home sales rose 3.6 percent to a record annual rate of nearly 7 million units in September. Meanwhile, housing starts are nearing a 17-year high. I should repeat that. Housing starts are nearing a 17-year high.

The association credits the phenomenal growth in home sales to “the powerful fundamentals that are driving housing markets: household growth,

low interest rates, and an improving economy.”

This is great news for America's families and, incidentally, for America's businesses. When a family buys a home, their purchase not only benefits a community, it sets off a whole chain of purchases that help fuel the economy. They have to buy that living room furniture. They have to buy those kitchen appliances. They have to buy new beds and new curtains. They buy that washer and dryer. All of this is reflected in these new housing starts. Many related industries benefit from one family's momentous and gratifying decision to do what all of us envision as the American dream, and that is to buy a home.

Not only is individual consumption up, but the business sector is showing impressive signs of recovery. Nonresidential recovery is up 10 percent, business investment went up 11.1 percent in the third quarter, and productivity soared by 8.1 percent, its highest level in 20 years.

Businesses are rebuilding their inventories, and they are retooling their factories. And all of this economic activity ultimately leads to jobs. Indeed, the labor market appears to be stabilizing, and the economy is finally providing Americans with those much needed jobs.

Over the past 3 months, 286,000 new jobs came on line. In October alone, 126,000 jobs were added. Meanwhile, since the initial tax cut, initial claims for unemployment insurance have gone down more than 10 percent, and if we look just at the week ending November 1, unemployment claims hit a 34-month low.

Finally, there is good news for individual State treasuries. Their budget gap of nearly \$20 billion at the beginning of the last fiscal year has now declined to a budget gap of less than \$3 billion—\$20 billion down to \$3 billion for the beginning of this fiscal year. States are just beginning to see revenue surprises in their estimates.

Whether it is consumers or whether it is businesses, all are optimistic about America's economic direction. Inflation is low, interest rates are low, and American taxpayers have more of their hard-earned money to spend and to save as they choose. And they have more and more opportunities to secure the jobs they need.

This body will continue to champion fiscal policies that strengthen the economy and create jobs. We will also continue to pursue fair and free trade policies that increase consumer buying power, that stoke that economic furnace. I can list all sorts of examples, such as the free trade agreements we passed this year with Chile and Singapore. These and other policies, indeed, are maximizing freedom, are expanding the opportunity for every American—indeed, are moving America forward in a way that serves the cause of liberty.

That leads me to national security. Our mission to expand freedom and op-

portunity applies not just to our economy but to national security as well. We know that freedom cannot find its fullest expression under a threat of terror. Likewise, terror cannot spread where freedom reigns. This is why this year America took the extraordinary action of toppling Saddam Hussein and his terrorist-sponsoring regime.

In 3 short weeks, men and women of the United States military, with the support of 49 nations, swept into Baghdad, ending three decades of ruthless rule and terror. In the months since, our soldiers have worked tirelessly. Our thoughts and prayers are with them as we enter this new holiday season. They have worked and continue to work under dangerous conditions.

They are working with that focus of helping the Iraqi people build a democracy. Our soldiers have rebuilt schools. They have rebuilt hospitals. They have rebuilt electrical grids, pipelines, and roads. They are training the Iraqi police forces to patrol the streets and to hunt down terrorists. Every day our troops are helping the people of Iraq and Afghanistan move forward, becoming free and open societies. To support their efforts, this body acted. We passed the President's \$87 billion war supplemental this year. We did so because we recognized that investing in the future of Iraq and Afghanistan is an investment in our security.

September 11 taught us a really cruel lesson. We learned that we cannot wait in this country while storms gather. As the President said, the Middle East region will either become a place of progress and peace or it will remain a source of violence and terror. I repeat that quotation: The Middle East region will either become a place of progress and peace or it will remain a source of violence and terror.

This year, we in the Senate took bold action to support the war on terror because we are determined that progress and peace take root. The Middle East is not the only region where we are working to bring stability. In this session, in this body, we passed the Burmese Freedom Act and the Clean Diamond Act to promote peace and freedom. We also took the historic action of dedicating \$15 billion to drive back, to fight, and to eventually eradicate the HIV/AIDS virus. That little virus that I have talked a lot about on this floor did not exist, as far as we knew, until the early 1980s, which is not that long ago. Since that period in time, that little virus has killed a million people, killed 5 million people, killed 10 million people, killed 15 million people, killed 23 million people over the last 20 years.

As a physician, as one who participates in medical mission trips to Africa—indeed, around the world, but predominantly to Africa—on a regular basis, I am especially gratified by this body demonstrating its compassion on this issue. Millions of lives have been cut short by this scourge, and we responded. It is a new problem around

the world and it is a problem that we, following the leadership of the President of the United States, are addressing with the full might and power and boldness of this body.

Countries have lost whole midsections and swaths of their population. In my trip to parts of Africa, we took a Senate delegation into August and September of this year and we saw this whole midsection of a population where, yes, there are young people running around but they have lost their parents and there are older people who are typically grandparents but the whole midsection of a population has literally been wiped out. I have said it many times, and I will continue to say it because we need to make Americans aware, that to my mind HIV/AIDS is the greatest moral, humanitarian, and public health challenge of the last 100 years.

The good news is that this body has responded. By passing the global HIV/AIDS bill, we are helping to prevent 7 million new infections, provide antiretroviral drugs for 2 million HIV-infected people, care for 10 million HIV-infected people and AIDS orphans, and bring hope to millions of people around the world. Our leadership serves as an example for every government in the world today.

It is not just in Africa. Actually, the fastest growing rates are not in Africa. We see it in elements of the Caribbean and we see it in Russia. Just a few minutes ago, I had the opportunity to meet with the Premier of China, and we were talking about HIV/AIDS. It is really unprecedented. I cannot help but think that the President of the United States, with the leadership in this body and the House of Representatives, has contributed to that global understanding, that global leadership, which will allow us eventually to reverse the tide of destruction of this virus.

Our work in passing this critical legislation does demonstrate that the United States of America places a high value on life. We have responded. We have a lot more to do in this regard, but we have responded with that boldness. History will judge how we responded, and in this Congress we have responded in that bold fashion. We have taken the necessary actions.

We have also addressed other sorts of life-related issues in this Congress. We have made the right choice to end that morally reprehensible practice of partial-birth abortion. This body and the House and various administrations have talked about outlawing this objectionable—I would say abominable—procedure, but we delivered. This body delivered and no longer, as I stand here, is that practice of partial-birth abortion legal. Eleven months ago, it was legal; it was performed and unnecessary lives were taken. Today, it is against the law. We did it, I should say, with an overwhelming majority in this body. We voted to end this immoral and medically unnecessary procedure and say yes to life.

This Senate can be proud of many strides taken in the 108th Congress to protect those most vulnerable among us. Again, I add that partial-birth abortion really demonstrates that. In addition, there was other legislation, such as Amber Alert. In January, we passed legislation to establish the National Amber Alert. Law enforcement now—and they did not have it at the beginning of this year—has another tool to work with the public. Governments and law enforcement can now work together to be able to find missing children.

Another example: In June of this year, we passed legislation to protect the victims of child abuse. We also voted to extend welfare reform to help lift families out of poverty. There was Medicare reform, jobs and growth tax cuts, the Iraqi war supplemental, the global HIV/AIDS bill.

In January, we set our sights high, and I would argue that we exceeded expectation. We are moving America forward, and we will continue to do so in the coming months because there is a lot more to do.

I go through this sort of partial discussion of what we have accomplished in terms of jobs and growth, health care, the value of life issues, and global HIV/AIDS in part to reflect. It is important for our colleagues because we have been working pretty hard, we have been going pretty much nonstop, especially over the last couple of months, and I do want to encourage our colleagues to look back and say that, yes, we are making progress, but there is much to be done.

I do want to really just project out a little bit about where I think we will be going in the next Congress as we come back in January.

We will build on the success of this year's appropriations process and we will tackle all 13 appropriations bills so that Government can perform its basic function to serve the people. Beyond appropriations, we still must pass a comprehensive energy plan. We have been debating national energy and national energy policy for 3 years. During the last Congress, we spent a total of 7 weeks debating energy on the Senate floor. In this Congress we spent more time debating energy than any other bill. More time than any other bill we debated energy on this floor. Yet despite all this time devoted to debate, there still remains a small contingent, a minority in this body I should add, that continues to obstruct progress. While this small group insists on yet more debate, national gas prices keep rising to even higher levels.

U.S. chemical companies are closing plants. They are laying off workers. They are looking to expand production abroad because of high energy prices. The United States is expected to import approximately \$9 billion more in chemicals than it exports this year. American consumers are getting hit with higher electric bills and small businesses are struggling to contain

costs, all because of rising energy prices.

So we have to pass an energy plan, and we will pass an energy plan when we return. Not only will the energy plan lower prices, it will save jobs and it will create thousands more. It is estimated the energy package will create half a million jobs. The Alaskan pipeline alone will create at least 400,000. The hundreds of millions of dollars that will be invested in research and development of new technologies will not only benefit the environment but will create new jobs in engineering, math, chemistry, physics, and science. We simply cannot allow the obstruction of a few in the Senate to continue to harm the interests of millions of Americans.

I do use that word "obstruction," and indeed I use it purposely because we saw it used to an alarming degree in this Congress, no more so than, as we demonstrated on this floor to the American people, now several weeks ago, in the consideration of the President's judicial nominees. Here obstruction has become a tool to undermine the democratic process itself. It, too, is a new problem.

For the last 200 years we have never seen the filibuster used to stop and to obstruct and to deny Senators an up-or-down vote on Presidential nominees. A minority of Senators in this body today, this year, unlike in previous Congresses, is denying all 100 of us their constitutional duty—it is spelled out in the Constitution—to give advice and consent.

We took that opportunity, now, several weeks ago, to make it plain to the American people. Yes, we worked around the clock. We had the 40-hour debate. We held it in October on three of the President's judicial nominees, and after 40 hours of debate to fully consider the eminently qualified candidates for the bench, the minority refused to allow us that very simple request—not approval of them all but simply an up-or-down vote.

Yes, this is obstruction. It really can't be described as anything but obstruction, and I would argue plain partisan obstruction. It is something we will continue to fight and we will not give up until we can break that partisan obstruction which is new to this wonderful institution, and it is something we must take back to what has been both the tradition and the culture of the last 200 years.

When we return in January we will continue to press for the fair consideration of the President's judicial nominees. Again, the fair consideration—advice and consent, a simple vote. People can vote against or they can vote for, but just allow us to vote. As we pointed out several weeks ago, the democratic process itself, as enshrined in the United States Constitution, is at stake.

We will also continue, as we look forward, to press for policies that expand and strengthen our economy. This session we did pass, as I outlined, smart,

progrowth fiscal policy, and we are already beginning to see those results. But there is still a lot more to do. We have to address, and we will address in the next year, the frivolous lawsuits that we all know are clogging our State courts. They are unnecessarily wasting our taxpayer dollars, and that gets reflected in inhibiting, almost straitjacketing businesses, especially small businesses. It straightjackets that entrepreneurial spirit that we know bubbles underneath here in the United States of America. It is that entrepreneurial spirit; it is that innovation and creativity that creates jobs. Yet we have a tort system, mainly reflected in these frivolous lawsuits, which keeps it contained, keeps it trapped.

In my own area of medicine, for the first time in a long period of time this past summer we addressed the medical liability issues with a freestanding bill. It is going to come back and it is going to keep coming back until we solve this unnecessary problem which affects access to care, to quality care, as we see trauma centers closing, as we see obstetricians no longer delivering babies. Again, it is a problem that can be reversed, and in this body we have a responsibility to reverse it. And we will. America is a country that values its citizens and we will return fairness to the litigation process.

We will also work to return fairness to the tax system. We will press for reforms to simplify the Tax Code. We will work to extend the tax credits passed in the Jobs and Growth Act. The work opportunity tax credit, for example, offers tax incentives to hire unemployed workers and welfare recipients. Not only is this smart, progrowth fiscal policy, it also is compassionate social action.

Fairness and compassion also demand that we permanently repeal the Federal death tax, the estate tax. Americans who work hard their whole lives, who save and who invest, who start those small businesses which become that engine of economic growth, those individuals who contribute to America's economic vibrancy, simply should not be punished for their success. That is what the death tax does. No son, no daughter should have to sell that family home to pay the death tax collector. It makes no sense, it is unfair, and it discourages productive economic activity. We will address it and ultimately we will win.

Compassion also demands that we turn our attention to fine-tuning the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Since it was enacted 7 years ago, welfare reform has helped to lift millions and millions of families out of poverty. There are over 3.5 million fewer people living in poverty now than in 1995, a year before welfare reform was passed. Welfare caseloads have declined to one-half. When we return next year, we will look for ways to build on this success so that more families can have a fair chance at the American dream.

We will also address that important issue, and an issue, again, I talk a lot about, and that is the problem of the uninsured. The increasing number—again, you will see this body is beginning to address those areas, those problems where the problem is getting worse over time, and the uninsured is just that area. It is an increasing number of uninsured, people without health insurance. Clearly, this problem represents one of the most daunting policy challenges facing our Nation.

As a physician, I saw firsthand how the lack of insurance, the lack of coverage, puts forth the significant barriers to quality health care, including such things as basic as preventive services. The lack of affordable health coverage is also one of the key factors contributing to health care disparities among minorities among other medically underserved populations. I asked my colleague the Senator from New Hampshire, Mr. JUDD GREGG, to lead the Senate Republican task force on this pressing issue, the uninsured. He will report back with a series of recommendations for modification, for strengthening, for reform next year.

Next year we will also continue our efforts to improve America's public educational system. We are committed to improving Head Start to make sure that Head Start children enter school with the same tools and the same skills as their economically advantaged peers. We are also committed to expanding access to college education for every American student who seeks it, and for special education students we will work to pass comprehensive legislation that protects their educational rights as well.

Education, as we all know, is the heart and soul of America's success. Our abundance, civic life, and democracy demand and depend directly on a thriving and educated citizenry.

Education, the uninsured, tax policy, welfare reform, litigation reform, judicial nominees, energy, and appropriations are just some of the challenging issues we will be addressing next year. I am confident that next year, just as this year, we will be able to meet ambitious goals.

In closing, each day that I have the opportunity to walk into this great institution, I am humbled. Indeed, I am inspired. I am humbled mostly by the great men and women who have come before and inspired by their example. In his 1862 address to Congress, President Lincoln told the assembled legislators that "America is the world's last best hope." Those words have never been truer than they are today. I am confident that we will face the challenges ahead with honor and with courage for the simple reason that we are Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLECTUAL PROPERTY RIGHTS

Mr. FRIST. Mr. President, I had the opportunity to take my wife Karyn to the Kennedy Center Honors, which is an annual tradition here. It is really a remarkable evening—a 2-day event—where America celebrates cultural icons. Most of them have been recognized before. But in that special gathering and in that beautiful building, the Kennedy Center, it takes on a really special meaning I think for us in this body, in the U.S. Congress, for those of us here in Washington, but indeed for people around the world as they see it replayed just after, I think, December 26.

While I was there, I couldn't help but to reflect as I watched one of country music's greats, Loretta Lynn, receive her honor. An issue that affects the State of Tennessee but indeed which affects people throughout the United States of America deals with intellectual property rights.

The State of Tennessee is known the world over for its vibrant musical heritage. It is the home of the Grand Ole Opry and the Country Music Hall of Fame. Indeed, Tennessee has produced some of the greatest popular pioneers of all time. Indeed, Tennessee has produced Elvis Presley, Johnny Cash, Loretta Lynn, Dolly Parton, and the list goes on. Those who grew up in Nashville had that opportunity to go by on a regular basis and experience the music at the wonderful Ryman Auditorium, where the Grand Ole Opry was housed for so many years.

In the next few weeks, we will have the pleasure of hearing renditions of many of these artists with their Christmas carols played over the airwaves all across this country and even all across this globe, in shopping malls just about everywhere the holidays are celebrated.

The music community that creates these opportunities and this joy is being threatened. In these closing minutes, I bring that to the attention of my colleagues. It is being threatened by those who love it so much, who appreciate it so much; that is, the millions of people who are downloading billions of illegal music files.

I have had the privilege of meeting diverse groups of leaders from the music community on several occasions, but the focus has been to discuss the effects of piracy on the music industry. It is huge. It is far reaching. It is the artist, it is the record companies, it is the performing rights organizations, it is the publishers. The bottom line is clear: Piracy is greatly impacting the music community. The situation is, indeed, growing worse. Online music piracy is out of control.

Currently, every month, 2.6 billion music files are downloaded illegally